

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

The above amendments are believed to obviate the formality objections to the claims and specification.

The rejection of claims 1 and 2 under 35 U.S.C. §102 as allegedly anticipated by Wrede '040 and the subsidiary rejections of claims 3-5 under 35 U.S.C. §103 based on a combination of Wrede '040 in view of Haitzuka '369 taken alone (claims 3 and 4) or taken in further view of Malik '841 (claim 5) are all respectfully traversed.

Applicant's invention provides a novel network terminating unit capable of accepting user data over the signaling channel at times that are not necessarily synchronized to usage of the data channel(s). In this way, for example, accumulated email traffic at server 103 may be off loaded at convenient times (e.g., during times of otherwise minimum network usage) to the network terminating unit 111. Thus whenever the computer 115 looks for such information (e.g., email traffic), it might already be available locally at the network terminating unit 111 thus eliminating the need to further burden the network 107 with additional telephone traffic.

In order to accomplish this desired result, the textual information being off loaded to the network terminating unit is typically broken down into smaller segments so that it will fit within the available user-user capabilities of the signaling channel -- together with suitable linking information such that the novel network terminating unit 111 can then re-assemble or re-constitute the whole of the textual message.

New claims 6-30 are more specifically directed to the network terminating unit (independent claim 6) or a method of operating a network terminating unit (new independent claim 19). It will be noted that these claims now require the information being transmitted along the signaling channel to include sufficient information so as to enable the network terminating unit to establish how parts of data of the same predetermined type sent in separate messages are linked so as to enable the network terminating unit to re-constitute the data -- including means arranged to actually extract the at least partial data and to store it (for passing to a first destination device such as the computer 115) including an arrangement to establish how the partial data detected in separate signaling messages are linked and to re-constitute the data from the plurality of signaling messages.

The principal Wrede '040 reference merely sends data for display on a telephone during a contemporaneous telephone call on the data channels (e.g., see column 2, lines 29-32 and lines 46-51).

The Examiner alleges that Wrede '040 establishes the number of messages to be transmitted and then transmits data representing that number -- relying upon Figure 6, block 74. However, block 74 in Figure 6 simply stands for a conventional connection (i.e., telephone call) from an originating site to the display telephone (e.g., see column 5, line 66 through column 6, line 6). There is no indication here that there is any establishment of a number of messages to be transmitted nor the transmittal of any data representing such a number.

The Examiner also alleges that the sender of each message is identified and data representing each such sender is transmitted -- relying on Figure 6, block 76. However, block 76 in Figure 6 merely presents to the telephone display user a menu of available messages.

Presumably all of these messages come from the same sender. Furthermore, there is no indication that any data representing the number of messages (or even items in the menu) is in anyway determined or transmitted for each of possibly different plural senders.

The Examiner also alleges that data representing the text of each such plural message is transmitted and relies upon Figure 6 at steps 80, 82 and 84 and related text at columns 5 and 6. However, none of this supplies the deficiencies already noted above with respect to the antecedent basis for the message(s) that might happen to be transmitted on the signaling channel for display on the telephone in Wrede '040.

With respect to original claims 3 and 4, the Examiner alleges that the activity of the signal channel is monitored and relies upon Figure 6 in block 77 and related text. However, this portion of Wrede '040 merely involves the originating site monitoring the signaling channel for the caller's response to earlier queries along the signaling channel (i.e., in real time and in conjunction with an ongoing conventional telephone connection and conversation). There is no indication here that activity on a signaling channel is monitored so that some convenient time (not necessarily synchronized with any telephone call) might be chosen to offload information from a central server to a remote network terminating unit where it will be locally cached for more immediate access by a utilizing device (thus possibly eliminating the necessity of the utilizing device to make an inquiring telephone call connection).

The secondary and tertiary references also fail to supply such deficiencies. Haitzuka '369 appears to be largely irrelevant because it deals solely with Internet connectivity that does not involve a signaling channel in conjunction with one or more data channels. Malik '841 does deal with a relevant ISDN system that deals only with expanding from one to two data channels in

MALLETT et al
Appl. No. 09/936,325
September 15, 2005

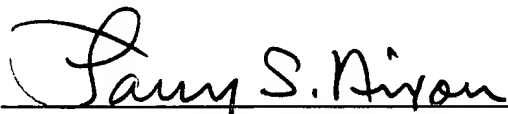
order to speed transmission. There is clearly no suggestion that one would start out transmitting useful data on the signaling channel and then, if conditions permit and are appropriate, expanding such activity from the signaling channel to one or more data channels.

The Examiner's attention is also drawn to the attached copy of two Office Actions in an EPO counterpart and a copy of the two prior art references therein relied upon (together with a Form PTO-1449 and the IDS fee appropriate to this stage of prosecution). Also attached is the applicant's response to the second Office Action and a copy of the Druckexemplar showing the form of the now allowed EPO counterpart application. It will be noted that the presently presented claims parallel those in the now allowed EPO counterpart and that they are believed to be patentably distinct from the prior art cited and relied upon in the EPO for reasons that are set forth in the attached applicant's letter of 30 July 2004 in response to the EPO Office Action of 21 January 2004.

Accordingly, this entire application is now believed to be in allowable condition and a formal Notice to that effect is respectfully solicited.

Respectfully submitted,

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